

Notice of Allowability

Application No.

09/851,138

Examiner

Bao Qun Li

Applicant(s)

MAERTENS ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 12, 2005.
2. ☒ The allowed claim(s) is/are 63 and 65-70.
3. ☒ The drawings filed on 29 May 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/836,075.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

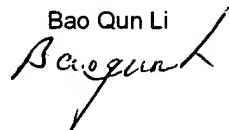
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 32, 33, 34.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Bao Qun Li



DETAILED ACTION

Response to the amendment

A. This is to acknowledge the amendment, which responded to the previous Office mailed on January 11, 2005, and filed on February 09, 2005. Claims 66-68 and 70 have been amended.

B. The amendments filed on April 01, 2005 and April 18, 2005 have been acknowledged. However, they were not entered because they failed to place the application in condition for allowance.

C. The amendment filed on May 12, 2005 has been acknowledged. It has been entered. Claims 63, 65-68 and 70 have been amended.

Status of each claims

Claims 1-62 and 64 were canceled.

Claims 63, and 65-70 are pending.

Claims Allowed.

Claims 63, and 65-70 are allowed.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The claimed invention is directed to an isolated polynucleotide consisting of a sequence selected from the group consisting of (i) the nucleotide sequence consisting of SEQ ID NO: 51, (ii) a nucleotide sequence consisting of at least 60 up to 447 nucleotides of contiguous nucleotide of SEQ ID NO: 51 and (iii) the complement of the polynucleotide acid of (i) or (ii). The claimed invention is also directed to several isolated shorter nucleotide sequence that is part of the SEQ ID NO: 51, which encode particular polypeptide of HCV that is selected from the group consisting of the amino acid sequence consisting of SEQ ID NO: 52, 138, 155, 174 and 190 or a complement thereof. The complement is also read on a polynucleotide up to the full length of polynucleotide of SEQ ID NO: 51 on the record. The claimed invention is also directed to a recombinant polypeptide encoded by the claimed polynucleotide of SEQ ID NO: 51 or any shorter nucleotide consisting of a contiguous nucleotide at least 60 up to 477 of full length of SEQ ID NO: 51 or

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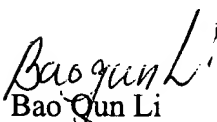
polynucleotide sequence encoding the polypeptide consisting of SEQ ID NO: 138, 155, 174, and 190; the expression vector comprising above claimed polynucleotide, a host cell transformed with the recombinant vector and a method of using the recombinant vector for producing the recombinant polypeptide encoded by any one of said polynucleotide above. No prior art teaches or suggests any particular polynucleotide selected from the group of polynucleotide consisting of the SEQ ID NO: 51, its complement or any polynucleotide sequence encoding the polypeptide of SEQ ID NO: 52, 138, 155, 174 or 190. No prior art teaches or suggests the particular polypeptide selected from the group of the amino acid sequence corresponding to the SEQ ID NO: 52, 138, 155, 174 or 190.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Qun Li whose telephone number is 571-272-0904. The examiner can normally be reached on 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bao Qun Li
05/13/2005


JAMES HOUSEL 5/16/05
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

James Housel, SPE
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